REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 29 – 32 and 57 - 66 are pending in the application and have been rejected. Claims 29 and 57 has been amended.

In order to more particularly point out and distinctly claim the invention, Claims 29 and 57 were amended. The amendments highlight that, prior to updating the index of information, the generator first receives signals from physical items in the vicinity around the user, and the signals containing information only about the physical items. This is not new matter and reference is made to Paragraphs 17 and 19 herein and elsewhere in the Specification, and also pending claim 63.

Further, the Examiner objected to Claim 62 in that "said generator" did not have antecedent basis. There is adequate basis in the parent claims, except that due to a typographical error the word "of" was omitted in Claim 57. This word was now added. Thus, it is requested that the objection to Claim 62 be withdrawn.

The Telephone Interview

Initially, Applicants wish to thank the Examiner, Edwyn Labaze, for granting and attending the telephone interview with Applicants' Representative, Heidi M. Brun, Reg. No. 34,504 on October 30, 2008. In the interview, independent claims 29 and 57 were discussed, as was the Kovesdi citation.

CLAIM REJECTIONS

35 U.S.C. § 102(b) Rejections

In the Office Action, the Examiner rejected claims 29 - 32 and 57 - 66 under 35 U.S.C. § 102(b), as being anticipated by Kovesdi et al. (US 2003/0155413).

Applicants respectfully traverse this rejection in view of the remarks that follow.

Both Kovesdi and Applicants deal with identifying items in a physical area. The distinction is in what they do with and how they compile the relevant data. Applicants build an index of information, based on information received from the physical items, which is constantly changing as the user moves through the designated area, whereas Kovesdi creates his own description of the physical item. It is not generated from the objects themselves, nor does it change as the user changes location. The data in Kovesdi is not limited to just the user's vicinity.

As claimed herein, what Applicants are doing is "updating an index to contain information only about the physical items in a vicinity around a changeable current location of a user of said index" and then "searching said index to answer natural language queries from a user about said physical items." First the index is created and then it is used. The basic information comes from the physical item. This is in contradistinction to Kovesdi, wherein the user creates the information.

As described by Kovesdi, "The authoring mode permits new media content, e.g., audio, text, graphics, digital photographs, video, etc., to be recorded and bound to an object identifier." (Paragraph 36). In this mode, "the system supports content authoring that can be done coincident with object identifier creation thereby enabling authored media content to be unambiguously bound to an object identifier."

In the herein claimed invention, however, the information is not authored by the user, but is instead imbedded in signals coming from the physical item. The user does not create the data, as is done in Kovesdi.

Moreover, the index is dynamically changing as the user changes position within the vicinity. Data for items no longer in the vicinity are deleted, whereas data for items in the new vicinity are added. This is in contrast to Kovesdi, whose content remains static. It is not dynamically (or otherwise) revised to delete and add content as the user changes location.

Kovesdi describes a system and method for authoring and providing information relevant to a physical world. The system can gather labels of real-world objects and can aggregate the object identifiers and their associated content into a single addressable unit called a tour. To quote Kovesdi:

> A system and method capable of reading machine-readable labels from physical objects, ... and treating these different labels uniformly as object identifiers for performing various indexing operations such as content authoring, playback, annotation and feedback. ... The authoring mode permits new audio/text/graphics/video messages to be recorded and bound to an object identifier. The playback mode triggers playback of the recorded messages when the object identifier accessed. (Abstract)

While the tour of Kovesdi is organized into an index, what is indexed are the object identifiers. In particular, "To read information from the object identifiers, each mobile user 208 is equipped with a personal mobile device 207 having capture circuitry 203 that is adapted to respond to the labels." (Paragraph 41). Thus, the authored content is "bound" to the object identifiers such that, when an object identifier is detected and searched for, the authored content bound to it is retrieved. In other words, "To author a tour containing information about physical objects, locations, and/or temporal events (i.e., entities) in the physical world, the entities are labeled which labels are treated uniformly as object identifiers. The object identifiers are stored within the system and media content for an entity is bound to its corresponding object identifier." (Paragraph 55).

Kovesdi does not "dynamically update an index to contain only information about the physical items" (claims 29 and 57) since the information which Kovesdi indexes is only the object identifiers and not the information about the physical items. This can be seen in Fig. 6 of

Kovesdi (and in other figures) where the method first detects an object label (step 622) and then retrieves the associated information (step 623). Similarly, when authoring the information, there is first a step of object labeling (step 612) and then a step of object information cataloging (step 613). Kovesdi does not have a step of indexing all the authored information. Moreover, Kovesdi does not limit the index "to contain information only about the physical items in a vicinity around a changeable current location of a user" since Kovesdi does not center its database around the user. It retrieves information relevant to the location of the user but the database is not user-centric.

Furthermore, Kovesdi does not search "said index to answer natural language queries from a user about said physical items" since Kovesdi does not make natural language queries, but object identifier queries.

Accordingly, Applicants respectfully assert that independent claims 29, 57 and 63 are allowable. Claims 30 – 32, 58 – 62 and 63 – 66 depend from, directly or indirectly, claims 29 and 57, and therefore include all the limitations of those claims. Therefore, Applicants respectfully assert that claims 30 – 32, 58 – 62 and 63 - 66 are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to claims 29 - 32 and 57 - 66.

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this response to Deposit Account 09-0468.

Respectfully submitted,

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